

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION – DETROIT**

**IN RE:**

MICHAEL L. NOKIELSKI,

DEBTOR.

CHAPTER 13

CASE NO. 18-46624-MBM

JUDGE MARCI B. MCIVOR

**TRUSTEE’S OBJECTION TO THE PROOF OF CLAIM FILED ON BEHALF OF  
STATE OF MICHIGAN, UNEMPLOYMENT INSURANCE, TAX OFFICE  
(PACER CLAIM NO. 13-1)**

**NOW COMES** the Chapter 13 Standing Trustee in this matter, David Wm. Ruskin, and objects to the Proof of Claim filed on behalf of State Of Michigan, Unemployment Insurance, Tax Office (PACER Claim No. 13-1), and in support thereof states as follows:

1. The proof of claim filed by State Of Michigan, Unemployment Insurance, Tax Office (PACER Claim No. 13-1) asserts a priority basis pursuant to 11 U.S.C. Section 507(a)(1). Creditor’s claim does not attach any documentation which would support a finding of administrative priority under Section 11 U.S.C. Section 507(a)(1).

2. To the extent the creditor is seeking an administrative expense claim, 11 U.S.C. Section 503(a) requires any entity seeking administrative expense status to timely file a request for payment of the administrative expenses. Section 503(b) provides that a creditor may be allowed an administrative expense claim only after notice and a hearing.

3. Creditor has not filed a Motion to Allow Administrative Expense Claim. Accordingly, the proof of claim filed by State Of Michigan, Unemployment Insurance, Tax Office (PACER Claim No. 13-1) should be disallowed in its entirety.

**WHEREFORE**, the Chapter 13 Standing Trustee requests that this Honorable Court disallow the Proof of Claim filed on behalf of State Of Michigan, Unemployment Insurance, Tax Office (PACER Claim No. 13-1) on 13-1 in its entirety, and grant any further and other relief as this Court deems equitable and just, including entering an Order absolving the Trustee from any duty to recoup disbursements previously made to State Of Michigan, Unemployment Insurance, Tax Office.

OFFICE OF DAVID WM. RUSKIN, STANDING  
CHAPTER 13 TRUSTEE

Dated: January 30, 2019

By: /s/ Lisa K. Mullen  
DAVID WM. RUSKIN (P26803)  
LISA K. MULLEN (P55478)  
THOMAS D. DECARLO (P65330)  
1100 Travelers Tower  
26555 Evergreen Road  
Southfield, MI 48076-4251  
Telephone (248) 352-7755

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
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**IN RE:**

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DEBTOR.

CHAPTER 13

CASE NO. 18-46624-MBM

JUDGE MARCI B. MCIVOR

**(PROPOSED)**  
**ORDER DISALLOWING THE PROOF OF CLAIM FILED ON BEHALF OF  
STATE OF MICHIGAN, UNEMPLOYMENT INSURANCE, TAX OFFICE (PACER  
CLAIM NO. 13-1)**

This matter came on for hearing upon the Objection to Proof of Claim filed by the Chapter 13 Standing Trustee pursuant to L.B.R. 3007-1 (E.D.M.), the Objection having been served with the Notice of Objection to Claim in accordance with the local bankruptcy rules, the requisite time for a response having passed, no response to the Objection having been timely filed and served, and the Court being otherwise sufficiently advised in the premises;

IT IS HEREBY ORDERED that the Proof of Claim filed on behalf of State Of Michigan, Unemployment Insurance, Tax Office (PACER Claim No. 13-1) on 13-1 in the amount of \$3,014.95 is disallowed;

IT IS HEREBY FURTHER ORDERED that to the extent that the Chapter 13 Standing Trustee has previously made disbursements to such Creditor, the Trustee shall not be obligated to recoup the same.

EXHIBIT 1

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - DETROIT

**IN RE:**

MICHAEL L. NOKIELSKI,

DEBTOR.

CHAPTER 13 Proceeding  
CASE NO. 18-46624-MBM  
JUDGE MARCI B. MCIVOR

AKA or DBA (if any):

Address(es):

63885 North Ave.  
Ray, MI 48096-0000

Social Security Number(s):

XXX-XX-3340

Employer's Tax Identification (EIN) No(s). (if any):

**NOTICE OF OBJECTION TO CLAIM FILED ON BEHALF OF STATE OF MICHIGAN, UNEMPLOYMENT INSURANCE,  
TAX OFFICE (PACER CLAIM NO. 13-1)**

The Chapter 13 Standing Trustee has filed an objection to your claim in this bankruptcy case.

**Your claim may be reduced, modified, or disallowed.** You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to deny or change your claim, then on or before March 14, 2019 you or your lawyer must:

1. File with the court a written response to the objection, explaining your position, at:

U.S. Bankruptcy Court  
211 W. Fort Street, Suite 2100  
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to:

Berman & Bishop PLLC, 24405 Gratiot, Eastpointe, MI 48021-0000  
David Wm. Ruskin, 26555 Evergreen Rd., Ste 1100, Southfield, MI 48076  
STATE OF MICHIGAN, UNEMPLOYMENT INSURANCE, TAX OFFICE, POC UNIT-SUITE 12-650,  
3024 W GRAND BLVD. DETROIT, MI 48202

2. Attend the hearing on the objection, scheduled to be held on March 21, 2019, at 11:00 a.m., in Courtroom 1875, United States Bankruptcy Court, 211 W. Fort Street, Detroit, Michigan, unless your attendance is excused by mutual agreement between yourself and the objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

**If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.**

OFFICE OF DAVID WM. RUSKIN, STANDING  
CHAPTER 13 TRUSTEE

Dated: January 30, 2019

By: /s/ Lisa K. Mullen  
DAVID WM. RUSKIN (P26803)  
LISA K. MULLEN (P55478)  
THOMAS D. DECARLO (P65330)  
Attorneys for Chapter 13 Trustee, David Wm. Ruskin  
1100 Travelers Tower  
26555 Evergreen Road  
Southfield, MI 48076-4251  
Telephone (248) 352-7755

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
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**IN RE:**

Michael L. Nokielski,

DEBTOR.

CHAPTER 13

CASE NO. 18-46624-MBM

JUDGE MARCI B. MCIVOR

**CERTIFICATE OF SERVICE OF TRUSTEE'S OBJECTION TO THE PROOF OF  
CLAIM FILED ON BEHALF OF STATE OF MICHIGAN, UNEMPLOYMENT INSURANCE,  
TAX OFFICE (PACER CLAIM NO. 13-1)**

I hereby certify that on January 30, 2019, I electronically filed the Trustee's Objection to the Proof of Claim filed on behalf of State Of Michigan, Unemployment Insurance, Tax Office (PACER Claim No. 13-1) With (Proposed) Order Disallowing the Proof of Claim filed on behalf of State Of Michigan, Unemployment Insurance, Tax Office (PACER Claim No. 13-1), Notice of Objection to Claim filed on behalf of State Of Michigan, Unemployment Insurance, Tax Office (PACER Claim No. 13-1) and Certificate of Service with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

BERMAN & BISHOP PLLC  
24405 GRATIOT  
EASTPOINTE, MI 48021-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

MICHAEL L. NOKIELSKI  
63885 NORTH AVE.  
RAY, MI 48096-0000

STATE OF MICHIGAN, UNEMPLOYMENT INSURANCE,  
TAX OFFICE  
POC UNIT-SUITE 12-650,  
3024 W GRAND BLVD.  
DETROIT, MI 48202

/s/ Vanessa Wild

Vanessa Wild  
For the Office of David Wm. Ruskin  
Chapter 13 Standing Trustee-Detroit  
1100 Travelers Tower  
26555 Evergreen Road  
Southfield, MI 48076-4251  
(248) 352-7755